

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRACY JOHNSON,

Defendant.

8:13CR375

ORDER

This matter is before the Court on appeal, [Filing No. 49](#), of the magistrate judge's order, [Filing No. 48](#). The defendant filed a motion for copies of docket sheet entries and legal documents, [Filing Nos. 44](#) and [47](#), in order to determine if he wanted to file a habeas petition pursuant to [28 U.S.C. § 2255](#). The magistrate judge denied the motions, concluding that under the law defendant must first file his petition. See [Filing Nos. 45](#) and [48](#) - Orders (citing *Chapman v. United States*, 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a § 2255 motion is premature)). The Court finds the magistrate judge is correct in all respects and denies the appeal

THEREFORE, IT IS ORDERED THAT:

1. Defendant's appeal of the magistrate judge's order, [Filing No. 49](#), is denied.
2. Defendant's motion for copies, [Filing Nos. 44](#) and [47](#), are denied.

Dated this 12th day of June, 2015

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge